

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: **Naoshi FUKUSHIMA, et al.**

Title: ***Agonist Antibodies***

Appl. No.: **10/257,864**

**RECEIVED**

Filing Date: **October 17, 2002**

**JAN 24 2003**

Examiner: **Not Yet Assigned**

**OFFICE OF PETITIONS**

Art Unit: **Not Yet Assigned**

**PETITION UNDER 37 C.F.R. §1.182 AND ACCOMPANYING  
REQUEST FOR CONTINUATION-IN-PART APPLICATION**

Commissioner for Patents  
**ATTN: OFFICE OF PETITIONS**  
Washington, D.C. 20231

Sir:

Pursuant to conversations with the Petitions Office at the United States Patent and Trademark Office, Applicants are filing the present Petition Under 37 C.F.R. §1.182 And Accompanying Request For Continuation-In-Part Application. Applicants filed a national stage application that contains the disclosure from international application PCT/JP01/03288 as well as additional matter. In order to correct this inadvertent error and maintain a priority date of October 17, 2002 for the additional matter, the Petitions Office instructed Applicants to file a Petition Under 37 C.F.R. §1.182 And Accompanying Request For Continuation-In-Part Application.

On October 17, 2002 Applicants filed the above-captioned U.S. National Stage Application, assigned U.S. Serial No. 10/257,864. The application contains the disclosure of international application PCT/JP01/03288 as well as additional matter. The additional matter is SEQ ID NOS. 73-84, which appear on pages 51-57 of the Sequence Listing filed with the application filing papers filed on October 17, 2002. In order to correct Applicants' inadvertent error of filing a national stage application that contains the disclosure from

international application PCT/JP01/03288 as well as additional matter, Applicants submit the following:

1. A Preliminary Amendment in pending U.S. Serial No. 10/257,864 which deletes the additional matter from the specification and replaces the Sequence Listing filed on October 17, 2002 with the Sequence Listing filed herewith; and
2. A Request for Continuation-In-Part Application and necessary documents for filing a continuation-in-part application containing the specification of international application PCT/JP01/03288 as well as additional matter, which should receive a filing date of October 17, 2002 pursuant to the discussions with the Patent and Trademark Office.

## CONCLUSION

If the Examiner has any questions concerning this application, he or she is requested to contact the undersigned.

Respectfully submitted,

Date January 24, 2003 By Eve Frank

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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees; and applicant(s) hereby petition for any needed extension of time.

INITIAL SCREENING OF INCOMING PAPERS CHECKLIST

Reviewer: R Chase

Date: 1-27-03

APPLICATION NO. 101257864

1. PETITION TYPE CODE

|                                      |     |
|--------------------------------------|-----|
| R137(a) Petition-----                | 501 |
| <u>      </u> R137(a) Petition ----- | 509 |
| (Issue Fee/Dwgs)                     |     |
| <u>      </u> R137(b) Petition-----  | 502 |
| <u>      </u> R137(b) Petition-----  | 510 |
| (Issue Fee/Dwgs)                     |     |
| <u>      </u> R137(f) Petition-----  | 536 |
| <u>      </u> R182 Petition-----     | 519 |
| <u>      </u> R183 Petition-----     | 503 |
| <u>      </u> R378(b) Petition-----  | 532 |
| <u>      </u> R378(c) Petition-----  | 533 |
| <u>      </u> R377 Petition-----     | 521 |
| <u>      </u> R3.81(b) Petition----- | 523 |
| <u>      </u> R181 Petition-----     | 515 |
| <u>      </u> R181 Petition-----     | 504 |

PETITION TYPE CODE

|  |     |
|--|-----|
| R28c Petition-----                         | 309 |
| <u>      </u> R47 Petition-----            | 313 |
| <u>      </u> R53(e) Petition-----         | 408 |
| <u>      </u> R53 (R62 filing date)-----   | 410 |
| <u>      </u> R10 Petition-----            | 411 |
| <u>      </u> Lost Application-----        | 412 |
| <u>      </u> R78(a)(3) Petition-----      | 535 |
| <u>      </u> R78(a)(6) Petition-----      | 535 |
| <u>      </u> R55(c) Petition-----         | 535 |
| <u>      </u> R314 Petition-----           | 508 |
| <u>      </u> R55(a) Petition-----         | 507 |
| <u>      </u> Pet. W/D Abn-----            | 525 |
| <u>      </u> R705(b) PTA-Bef iss-----     | 550 |
| <u>      </u> R705(d) PTA-Aft iss-----     | 551 |
| <u>      </u> R705(c)PTA-SpiteDueCare----- | 552 |
| <u>      </u> Other _____                  |     |

2. LIST PAPERS FILED WITH PETITIONS

|                                |                 |                      |
|--------------------------------|-----------------|----------------------|
| <u>      </u> PreAmdt/Amdt     | CPA             | Associate POA        |
| <u>      </u> Filing Fees      | RCE             | Terminal Disclaimer  |
| <u>      </u> Reply/Arguments  | IDS             | Change of Address    |
| <u>      </u> Election         | 129(a) Submsn   | Revocation/Poa       |
| <u>      </u> Notice of Appeal | Issue Fee       | Priority Documents   |
| <u>      </u> Brief (3)        | Drawings        | Oath/Decl. & POA     |
| <u>      </u> Reply Brief      | Rule 312 Amdt   | Rescind Non-Pub Req. |
| <u>      </u> Declaration R132 | Ext Time (____) | Statement 3.73(b)    |

Other Papers \_\_\_\_\_

3. Is paper a petition to withdraw holding of abandonment:        yes        no  
If so, send paper and/or file to appropriate location (*Note: remove any flag set first*):

a. Nonreceipt of action from TC or assertion that reply was timely filed:

Send paper to TC \_\_\_\_\_

b. Nonreceipt of Missing Parts Notice or assertion that reply was timely filed:

Send paper to DIRECTOR -OIPE --CP2-7D25 (PH: 308-0910)

c: Assertion of timely payment of issue fee and/or submission of drawings:

Send petition to Office of Publications: ATTN: Tom Hawkins

d. Other \_\_\_\_\_

4. Other: \_\_\_\_\_

If not handled in Office of Petitions, send paper to appropriate location.

5. Is petition accompanied by assignment papers, fee address, or other paper which needs to be sent to another location?        yes        no If so, make copy of assignment papers, fee address, or other paper; mail original to proper location and place copy in file with an indication that the original paper(s) has been forwarded to the appropriate location (Assignment Branch; Maintenance Fee Division, etc.)